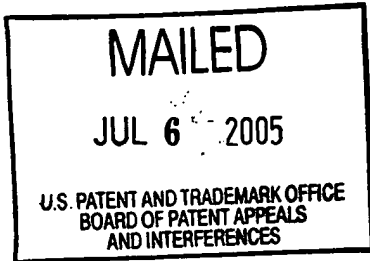


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ELIE-JEAN RAAD

Application 09/386,506

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on May 5, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Upon review of the Examiner's Answer mailed on September 8, 2004, the indication that an appeal conference has been conducted is defective since Examiner Hannett has not initialed the Examiner's Answer. According to the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., August 2001), when an appeal conference has been held, the appeal conference participants, which includes the examiner charged with preparation of the

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Examiner's Answer, must identify themselves as the conferees, along with placing their initials next to their name.

Furthermore, in accordance with MPEP 707.08:

After the action is typed, the examiner who prepared the action reviews it for correctness. The surname or initials of the examiner who prepared the action and the date on which the action was typed should appear below the action. If this examiner does not have the authority to sign the action, he or she should initial above the typed name or initials, and forward the action to the authorized signatory examiner for signing.

Further, on December 23, 2003, appellant filed a paper entitled "Notice of Appeal". Although the "Notice of Appeal" authorized that payment of any fees which may be required, or credit any overpayment to Deposit Account No. 50-0644, the fee for the Appeal Brief have not been charged.

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Accordingly, it is

ORDERED that the application is returned to the examiner for taking corrective action regarding the appeal conference, for charging the Appeal Brief fee to Deposit Account No. 50-0644 and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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